



Senate

General Assembly

File No. 702

January Session, 2009

Substitute Senate Bill No. 533

Senate, April 20, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NOTIFICATION OF THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO THE COMMUNITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-258 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective September 1, 2009*):

3 (a) (1) Notwithstanding any other provision of the general statutes,
4 except subdivisions (3), (4) and (5) of this subsection, the registry
5 maintained by the Department of Public Safety shall be a public record
6 and shall be accessible to the public during normal business hours. The
7 Department of Public Safety shall make registry information available
8 to the public through the Internet. Not less than once per calendar
9 quarter, the Department of Public Safety shall issue notices to all print
10 and electronic media in the state regarding the availability and means
11 of accessing the registry. Each local police department and each state
12 police troop shall keep a record of all registration information
13 transmitted to it by the Department of Public Safety, and shall make
14 such information accessible to the public during normal business

15 hours.

16 (2) (A) Any state agency, the Judicial Department, any state police
17 troop or any local police department may, at its discretion, notify any
18 government agency, private organization or individual of registration
19 information when such agency, said department, such troop or such
20 local police department, as the case may be, believes such notification
21 is necessary to protect the public or any individual in any jurisdiction
22 from any person who is subject to registration under section 54-251,
23 54-252, 54-253 or 54-254.

24 (B) Whenever a registrant is released into the community, the
25 Department of Public Safety shall, by electronic mail, notify the
26 superintendent of schools for the school district in which the registrant
27 resides, or plans to reside, of such release and provide such
28 superintendent with the same registry information for such registrant
29 that the department makes available to the public through the Internet
30 under subdivision (1) of this subsection.

31 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
32 this subsection, state agencies, the Judicial Department, state police
33 troops and local police departments shall not disclose the identity of
34 any victim of a crime committed by a registrant or treatment
35 information provided to the registry pursuant to sections 54-102g and
36 54-250 to 54-258a, inclusive, except to government agencies for bona
37 fide law enforcement or security purposes.

38 (4) Notwithstanding the provisions of subdivisions (1) and (2) of
39 this subsection, registration information the dissemination of which
40 has been restricted by court order pursuant to section 54-255 and
41 which is not otherwise subject to disclosure, shall not be a public
42 record and shall be released only for law enforcement purposes until
43 such restriction is removed by the court pursuant to said section.

44 (5) Notwithstanding the provisions of subdivisions (1) and (2) of
45 this subsection, a registrant's electronic mail address, instant message
46 address or other similar Internet communication identifier shall not be

47 a public record, except that the Department of Public Safety may
48 release such identifier for law enforcement or security purposes in
49 accordance with regulations adopted by the department. The
50 department shall adopt regulations in accordance with chapter 54 to
51 specify the circumstances under which and the persons to whom such
52 identifiers may be released including, but not limited to, providers of
53 electronic communication service or remote computing service, as
54 those terms are defined in section 54-260b, and operators of Internet
55 web sites, and the procedure therefor.

56 (6) When any registrant completes the registrant's term of
57 registration or is otherwise released from the obligation to register
58 under section 54-251, 54-252, 54-253 or 54-254, the Department of
59 Public Safety shall notify any state police troop or local police
60 department having jurisdiction over the registrant's last reported
61 residence address that the person is no longer a registrant, and the
62 Department of Public Safety, state police troop and local police
63 department shall remove the registrant's name and information from
64 the registry.

65 (b) Neither the state nor any political subdivision of the state nor
66 any officer or employee thereof, shall be held civilly liable to any
67 registrant by reason of disclosure of any information regarding the
68 registrant that is released or disclosed in accordance with subsection
69 (a) of this section. The state and any political subdivision of the state
70 and, except in cases of wanton, reckless or malicious conduct, any
71 officer or employee thereof, shall be immune from liability for good
72 faith conduct in carrying out the provisions of subdivision (2) of
73 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	September 1, 2009	54-258

Statement of Legislative Commissioners:

In Subsec. (a)(2)(B), "intends to reside" was changed to "plans to reside" for consistency with other notification provisions in chapter 969, and "through the Internet" was added for consistency with Subsec. (a)(1).

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires the Department of Public Safety (DPS) to notify, via electronic mail, superintendents of schools in a community when a sex offender is released into such community. This does not result in any fiscal impact to the state or municipalities.

The Judicial Department and Department of Corrections currently notify DPS when sex offenders are released into the community, which occurs an estimated 300-400 times annually. Upon release, sex offenders are required to register name, address, birth date, race and general descriptive information with DPS' electronic Sex Offender Registry. It is anticipated that the notification process required under the bill could be accomplished during such registration at no additional cost to the state or municipalities, though it is unclear how DPS would obtain the e-mail addresses necessary to carry out notification.

Additionally, bond funds authorized in Public Act 07-7 and allocated on August 4, 2008 are anticipated to be utilized to upgrade the Sex Offender Registry system to allow superintendents and any other members of the public to sign up for automatic electronic notification when sex offenders move into and out of communities. This system is anticipated to be operational in October 2009, shortly after the September 1, 2009 effective date of this bill.

The Out Years

State Impact: None

Municipal Impact: None

Sources: Department of Public Safety Sex Offender Registry Unit

OLR Bill Analysis**sSB 533*****AN ACT CONCERNING NOTIFICATION OF THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO THE COMMUNITY.*****SUMMARY:**

This bill requires the Department of Public Safety to notify the superintendent of schools in the community where a sex offender lives or plans to live whenever the registrant is released. The notice must be by email and include the same registry information available to the public through the Internet. This information includes the registrant's name, address, date of birth, race, and general description. It also includes the crime he or she committed that requires registration and the date he or she was convicted, first registered, and last had the registration verified.

EFFECTIVE DATE: September 1, 2009

BACKGROUND***Related Bill***

HB 6669, also reported favorably by the Judiciary Committee, requires the risk assessment board to make recommendations for changes in the sexual offender registration and notification system.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/01/2009)